

JAMES McMANIS (40958)
MICHAEL REEDY (161002)
TYLER ATKINSON (257997)
NEDA SHAKOORI (283823)
McMANIS FAULKNER
A Professional Corporation
50 West San Fernando Street, 10th Floor
San Jose, California 95113
Telephone: 408-279-8700
Facsimile: 408-279-3244
Email: mreedy@mcmanislaw.com

Attorneys for Plaintiff, Dr. Haiping Su

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HAIPING SU,
Plaintiff,

v.

UNITED STATES OF AMERICA,
Defendant.

No. C09-2838 EJD (JSC)

**NOTICE OF MOTION FOR FEES AND
EXPENSES IN PROVING MATTERS
THAT SHOULD HAVE BEEN
ADMITTED (Fed. R. Civ. P. 37(c)(2))**

Date: March 12, 2015
Time: 9:00 a.m.
Ctrm: 4
Judge: The Hon. Edward J. Davila

TO DEFENDANT AND ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on March 12, 2015 at 9:00 a.m., or as soon thereafter as the matter may be heard in Courtroom 4, 5th Floor, in the above-entitled court, located at 280 S. First Street, San Jose, California, 95113, plaintiff, Haiping Su, will move the Court for an Order pursuant to Rule 37(c)(2) of the Federal Rules of Civil Procedure, requiring defendants pay plaintiff the sum \$1,314,545.11, which represents the reasonable expenses, including

1 attorney's fees, incurred in proving matters that should have been admitted by the defendants.

2 This motion is made on the grounds that the United States of America and its agency, the
3 National Aeronautics and Space Administration, were served with Requests for Admission
4 requesting that the USA and NASA admit certain adverse, unfavorable and derogatory
5 information about plaintiff was disclosed to non-federal employees and plaintiff's supervisors,
6 and that the statement that plaintiff accepted or received money from a foreign government was
7 extremely private in nature. Defendants unreasonably refused to admit Requests for Admission
8 numbers 8, 9, 10, 16, 17 and 27.

9 Plaintiff proved these facts at trial, and pursuant to Rule 37(c)(2) of the Federal Rules of
10 Civil Procedure, and the Court's inherent powers, plaintiff seeks the reasonable expenses,
11 including attorney's fees, incurred in proving these facts.

12 This motion will be based on this Notice of Motion and Motion, the Memorandum of
13 Points and Authorities filed herewith, the Declaration of Tyler Atkinson, and the exhibits
14 attached thereto, including the Requests for Admission and defendants' responses that are
15 subject of this motion, the pleadings and papers on file herein, and upon such oral argument and
16 other evidence as the Court may permit on this matter.

17
18 Respectfully submitted,

19 DATED: October 9, 2014

McMANIS FAULKNER

20
21 /s/ Tyler Atkinson
TYLER ATKINSON

22 Attorneys for Plaintiff,
23 DR. HAIPING SU
24
25
26
27
28